

**EMPLOYMENT APPEALS TRIBUNAL**

APPEALS OF:

CASE NO.

EMPLOYEE

RP1718/2010

MN1218/2010

against  
EMPLOYER

EMPLOYER

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005  
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. M. Levey B.L.

Members: Mr. J. Goulding

Ms. E. Brezina

heard this appeal at Dublin on 5th April 2011

Representation:

\_\_\_\_\_

Appellant:

The appellant in person

Respondent:

The respondent in person

**Respondent's case**

The respondent stated that the appellant had been absent from work and sending in medical certificates from January 2010 to 20<sup>th</sup> April 2010. However the respondent tried, without success, to contact the appellant after the 20<sup>th</sup> April 2010 in order to ascertain whether she was going to return to work. Having failed to establish contact with the appellant the respondent felt the appropriate course of action was to issue a P45 to her. The respondent did not make the appellant redundant and it had been four years since anyone in the business had been made redundant.

A cheque in respect of a refund of "Levy" was sent by post to the appellant but was returned to the respondent and this cheque was presented to the appellant at the hearing.

**Appellant's case**

The appellant agreed that she had been absent from work due to illness and that she had ceased sending medical certificates to the respondent. She also acknowledged having received a P45 and stated that she had been dismissed. No evidence was offered in relation to a redundancy situation having arisen.

**Determination**

Having considered the evidence adduced the Tribunal finds that the appellant was not dismissed by way of redundancy but rather left of her own volition. Having left of her own volition the appellant is not entitled to receive minimum notice and her claim under the Minimum Notice And Terms Of Employment Acts, 1973 to 2005 fails.

Furthermore the Tribunal finds that a redundancy situation did not exist at the date of termination of employment and therefore the appeal under the Redundancy Payments Acts, 1967 to 2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)

